



## **CITY PLANNING COMMISSION**

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August 24, 2005 / Calendar No. 12

C 040223 ZSM

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**IN THE MATTER OF** an application submitted by El-Ad Skyview, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 32 spaces on portions of the first floor and the cellar of an existing 12-story residential building on property located at 151 West 17th Street (Block 793, Lots 5 and 70), in C6-2A and C6-3A Districts, Community District 4, Borough of Manhattan.

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The application was filed by El-Ad Skyview, LLC, on December 30, 2003, for a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution for the continuation of operation of an 32-space public parking garage on the ground floor and cellar level of an existing, 12-story residential building.

### **BACKGROUND**

The project site is an approximately 17,500 square foot through-block zoning lot comprised of two tax lots on Block 793 (5 & 70). Lot 5 fronts on West 17<sup>th</sup> Street while Lot 70 fronts on West 18<sup>th</sup> Street. Both lots are located on the midblocks between Sixth and Seventh avenues. The project site is improved with two 12-story residential condominium buildings containing a total of 50 dwelling units.

The project site is split by a zoning district boundary. The entirety of Lot 5 and approximately 40 feet of Lot 70 are located in a C6-2A zoning district with a maximum FAR of 6.02 for residential use. The remainder of Lot 70 is located within a C6-3A zoning district with a maximum FAR of 7.52 for residential use.

The land use on the block is mixed in character but predominantly residential; in addition to the project site's 50 units, nearly the entire block is occupied by five-story, walkup residential buildings or converted loft buildings that vary in height between six and eight stories. Some buildings on the subject block contain ground-floor commercial uses while Sixth and Seventh Avenues have a greater concentration of commercial uses. In addition, four-story YMCA is located on the south side of West 17<sup>th</sup> Street and the Rubin Museum of Himalayan Art is located on the corner of West 17<sup>th</sup> Street and Seventh Avenue.

The applicant is requesting a special permit to continue the operation of an existing, 32-space public parking garage located on the ground floor and cellar levels of the 151 West 17<sup>th</sup> Street building. The building was constructed in 2001 as an as-of-right project with an as-of-right, 10-space accessory parking garage. This garage has since been operating as a public parking garage without the required special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution.

The garage is accessed via West 17<sup>th</sup> Street, a one-way, westbound street. Cars enter and exit the garage through a 12-foot wide garage entrance located approximately 100 feet east of Seventh Avenue. Vehicles descend to the cellar level on an 11-foot 8-inch wide, one lane ramp to an attendant kiosk on the cellar level. Six reservoir spaces would be provided on the cellar level of the garage.

## **ENVIRONMENTAL REVIEW**

This application (C 040223 ZSM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 04DCP028M. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on April 11, 2005.

## **UNIFORM LAND USE REVIEW**

This application (C 040223 ZSM) was certified as complete by the Department of City Planning on April 11, 2005, and was duly referred to Community Board 4 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

## **Community Board Public Hearing**

Community Board 4 held a public hearing on this application on June 1, 2005, and on that date, by a vote of 31 to 0 with 0 abstentions, adopted a resolution recommending

disapproval of the application. The Community Board cited the following reasons for its disapproval:

The street has been used as a shifting area to allow cars to be maneuvered in and out of the garage and for storing extra cars, thus blocking parking for residents and others...

In short, this garage is now creating serious congestion and unduly inhibiting surface traffic and pedestrian flow.

We believe...that it is inappropriate to evaluate the garage in the normal fashion so long as it is operating in an illegal manner... Since the ULURP schedule allows no pausing to attempt to resolve the problems of illegal operations and since the operator of the garage is likely to remain in possession for some time, the Board has no alternative but to recommend denial of the special permit at this time.

### **Borough President Recommendation**

This application was considered by the Borough President, who recommended approval of the application on July 14, 2005, subject to the condition that "the current tenant who operated the illegal garage be evicted." The Borough President also stated that, "if the garage is not operated in a legal manner, this should be considered grounds to revoke the special permit..."

### **City Planning Commission Public Hearing**

On July 13, 2005 (Calendar No. 4), the City Planning Commission scheduled July 27, 2005, for a public hearing on this application (C 040223 ZSM). The hearing was duly held on July 27, 2005 (Calendar No. 28). There were two speakers in favor of the application and no speakers in opposition.

A representative of the property owner briefly described the project. She indicated that the property owner had anticipated the operation of a public parking garage on this site since the inception of the project. She also indicated that the property owner had terminated the garage operator's contract immediately upon hearing feedback from the Community Board public hearing and Borough President's recommendation.

The applicant's counsel then described the garage's operation and explained the planned installation of safety features in the garage, including flashing lights and motion sensors to prevent conflicts on the one-way ramp. She acknowledged the difficulty in the layout of the reservoir spaces but stated that a reduction in garage capacity and consequent reduction in reservoir spaces could alleviate problems in reservoir layout.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the grant of this special permit is inappropriate.

The Commission believes that the proposed garage will contribute to serious traffic congestion and will unduly inhibit surface traffic and pedestrian flow.

The Commission notes that the garage was designed and constructed as an accessory parking garage with 10 spaces for tenants of the residential buildings on the subject zoning lot. Unlike users of public garages, users of accessory garages are generally familiar with unique elements of the garage, including procedures for entering and exiting via one-way ramps and peculiarities in column layouts. In addition, such garages typically have far fewer vehicles entering and exiting at any given time when compared with public parking garages. Consequently, the Commission believes that unusual garage layouts that function adequately for accessory use may not always be appropriate when used in a public capacity.

The Commission believes that public use of the garage in question, in combination with unusual features of the garage's operation and design, will contribute to the serious inhibition of pedestrian and vehicular traffic flow on West 17<sup>th</sup> Street. The irregular configuration of the garage space, including the narrow, one-way ramp and constrained reservoir space layout, will impede the ability of vehicles to enter, exit, and maneuver through the garage. Vehicles would be required to enter the garage via West 17<sup>th</sup> Street, which is a two-lane, westbound street. Approaching the garage, vehicles would be required to identify and monitor a traffic signal and accompanying warning sign before entering the one-way ramp. If a vehicle is moving up the ramp from the cellar level, the traffic signal would flash red, requiring that the entering vehicle wait on the street until the exiting vehicle has left the garage. The vehicle would then be required to drive down the narrow, 11-foot wide ramp to the cellar level and then negotiate an

extraordinarily difficult, if not impossible, 180-degree turn between two columns spaced approximately 10 feet apart. The Commission believes that the constrained configuration of the reservoir spaces in combination with the narrow, one-way ramp will inhibit the ability of vehicles to enter and exit freely from the garage. The garage would therefore be incapable of operating effectively and would result in the queuing of vehicles at both the street and cellar levels, presenting a barrier to pedestrians and through traffic on West 17<sup>th</sup> Street.

The Commission does not believe that the proposed use has adequate reservoir space at the vehicular entrances to accommodate vehicles entering the garage. The Commission notes that a sufficient number of reservoir spaces are provided in the plans submitted with this application but does not believe that their layout or arrangement are realistic or adequate. Reservoir spaces must be more than marked areas on a public garage plan; they must be clearly understandable and easily negotiated by the general public entering the garage for the first time. The reservoir layout that is shown requires extraordinary maneuvering in tight turns through closely-spaced columns. This difficult arrangement is likely to lead to confusion on the cellar level and therefore congestion that will obstruct the ramp and exacerbate traffic congestion at street level. The Commission therefore does not believe that the reservoir layout proposed is adequate.

The Commission notes that Community Board 4, as part of their recommendation letter, stated that the operation of this public garage has in the past obstructed sidewalks and

traffic flow on West 17<sup>th</sup> Street. Community Board 4 has indicated that a representative of the block association testified that the garage operator has used the sidewalk and street as a vehicle storage area and that similar concerns were raised at other community meetings.

The Commission acknowledges the favorable recommendation of the Borough President, which included the condition that the contract with the current garage operator be terminated.

In conclusion, the Commission is unable to make the required findings (b) and (d) of Section 74-52 related to vehicular and pedestrian traffic and reservoir space adequacy. The Commission believes that a 32-space public parking garage that requires vehicles to negotiate a narrow, one-way ramp and complex reservoir layout is an inappropriate use of the site.

## **RESOLUTION**

Based on the consideration described in this report, the Commission determined that this application does not warrant approval, and adopted the following resolution on August 24, 2005 (Calendar No. 12):

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that the application (C 040223 ZSM) submitted by El-Ad



Skyview, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 32 spaces on portions of the first floor and the cellar of an existing 12-story residential building on property located at 151 West 17th Street (Block 793, Lots 5 and 70), in C6-2A and C6-3A Districts, Community District 4, Borough of Manhattan, is **DISAPPROVED**.

Pursuant to Section 200 of the New York City Charter, the action by the City Planning Commission in this matter is final. The report is forwarded to the Office of the Speaker, City Council for information and filing.

**AMANDA M. BURDEN, AICP, Chair**

**KENNETH J. KNUCKLES, Esq., Vice Chair**

**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,  
RICHARD W. EADDY, JANE D. GOL, LISA A. GOMEZ, CHRISTOPHER KUI,  
JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners**